The Missouri Municipal Review

81st Annual Conference
Kansas City, Missouri
Sept. 20-23, 2015

In This Issue:
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• Cape Girardeau's Growth
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Missouri Municipal Review (ISSN 0026-6647) is the official publication
of the Missouri Municipal League state association of cities, towns and
villages, and other municipal corporations of Missouri. Publication office
is maintained at 1727 Southridge Drive, Jefferson City, MO 65109.
Subscriptions: $30 per year. Single copies: $5 prepaid. Advertising rates
on request. Published bi-monthly. Periodicals postage paid at Jefferson
City, Missouri. Postmaster: Send form 3579 to 1727 Southridge Drive,
Jefferson City, MO 65109.
To contact the League Office call 573-635-9134, fax 573-635-9009 or
email the League at info@mocities.com.
The League’s Website address is: www.mocities.com.
When we keep up with the most current issues facing local government today, we are better enabled to serve our fellow citizens, our staff and our community.

In June, 200 elected officials gathered at MML’s Elected Officials Training Conference in Columbia, Missouri, gaining insight from top-notch professionals in the fields of municipal law, state government, social media, and finance. Attendees also had an opportunity to network with fellow local government officials. From a general overview for those newly elected to the latest trends for more experienced officials, each participant returned home with valuable information that will enhance their service to Missouri local government.

Just around the corner is MML’s 81st Annual Conference. Be sure to mark your calendars for Sept. 20-23, 2015, in Kansas City! This issue of the Review highlights keynote speakers, offers a tentative agenda and many important details you won’t want to miss. The valuable information, quality exhibitors and the opportunity to learn alongside local government colleagues keep officials coming back year after year. More than 700 local government officials will attend, so register today!

Throughout the Elected Officials Training Conference and MML’s upcoming Annual Conference, many sessions apply to MML’s Municipal Governance Institute. Through this program, you are on your way to becoming a Certified Municipal Official in Missouri. This certification recognizes your commitment to efficient local government and continuing education. Learn more about how to get started today by visiting www.mocities.com.

Thank you for all of the ways you serve your community, and we hope you can be sure to join us in Kansas City this September.
Supporting MML Advocacy

Advocacy is a critical function of the Missouri Municipal League. While I enjoy attending the conferences, keeping up with the latest news, networking with colleagues and serving on the MML Board of Directors, I depend on MML to let me know when it’s most critical to contact my legislators regarding a pending piece of legislation.

Threats continue each year to Missouri local government operations. In 2015 alone, MML fought against attacks on our municipal court system, collective bargaining challenges and numerous attempts to chip away at local authority in your city. With the deep pockets of special interest groups, MML is constantly challenged to have the voice of local government heard in Jefferson City.

In response, an advocacy fund was established in 2007 to assist with the high cost of legal analysis, attorney fees, amicus briefs and expert advice. It is an essential tool for MML to be an effective force in the Missouri State Capitol, the courts and in Washington. You can learn more about the creation of the fund on the MML website.

MML is often called upon to use the advocacy fund to serve as a strong united voice on behalf of Missouri municipalities. In 2014 alone, the fund was accessed more than 20 times totaling more than $160,000, as MML was actively involved in cases regarding red light cameras, the sheriff’s retirement fund, wireless telecommunication, vehicle sales tax and many more.

The City of Springfield is proud to assist in keeping the MML Advocacy Fund strong. We believe that when municipalities work together to support a strong local government message, we better the lives of citizens in Springfield and across the state.

A recent settlement regarding a class action suit brought against CenturyLink suggests that the municipalities involved contribute five percent of the settlement funds they received to MML, to help replenish the advocacy fund used for all cities. The City of Springfield finds great value in the advocacy work MML completes each year, and has taken the opportunity to contribute additional funds, amounting to 13 percent, or $20,000, of our settlement amount. This funding will help guard against future local government attacks.

The City of Springfield encourages and challenges you to review your own budgets to see how you can support this fund, whether through the recent settlement or via another source.

Local government opponents have deep pockets and many lobbyists to back up their message to Missouri legislators. Their interests, whether personal, corporate or political are attempts to remove or diminish your local decision making and put your citizens at risk of losing their local voice.

Please consider how you can support the MML Advocacy Fund, and make sure your local voice is heard in Jefferson City.

Why Should You Visit MML’s Website?

- Current Job Opportunities
- Member City Websites
- Daily Local News
- MML Conferences
- Latest Legislative and Advocacy Action
- Publications
- Sample Ordinances
- Technical Bulletins

www.mocities.com
As many in the public arena know, we are constantly under scrutiny as to how we function and how we react to various situations. The Ferguson situation in August 2014 highlighted the need for municipal preparedness against cyberattacks on networks. This article describes items to consider to protect your municipality in the future.

Only three days after the Ferguson incident occurred, local municipalities were threatened by the group called “Anonymous;” just one day later they commenced their attack. Anonymous is a type of pseudo hacking group that participates in an activity called hacktivism. According to Wikipedia, hacktivism is, “the subversive use of computers and computer networks to promote a political agenda.” There are many ways to cause this electronic mischief, including site defacement, site redirects, denial-of-service attacks, and information theft, among others.

- **Site Defacement:** Changing the appearance of a site or webpage
- **Site Redirects:** Moving a visitor to a webpage other than the one they requested
- **Information Theft:** Obtaining personal or financial information of another person
- **Denial of Service:** Depriving a resource of services they would normally have, such as email, network connectivity, etc.

Because of today’s reliance on computers and access to the outside world through the Internet, hacktivism has become an effective tool in making a political statement. If connectivity is interrupted even briefly, it can have direct, adverse effect on an agency’s ability to conduct business. By disrupting access to computer software and websites, hacktivists are essentially voicing their public opinion.

The attacks related to the Ferguson unrest were mostly in the form of distributed denial of services (DDoS) that entailed having a large number of computers spread across the globe continuously target the municipal websites to bring them down. The affected agencies’ Internet connections and/or servers would become so overwhelmed with the massive amount of traffic that they could not process valid traffic. Since the attacks were spread across a large footprint, it was impossible to determine the initiator to stop the attack. It was not designed to gain access to any systems.

Preparedness is the key to minimize the effect of future attacks. Gathering information during the heat of battle is both cumbersome and time consuming. For many of us, it is not feasible to have every protection in place for every risk; but, having a plan in place for common, modern day threats is an achievable goal. Consider creating a plan to ready your agency for a hacktivist’s attack.

**The Plan**

Your plan should contain the following elements:

- **Inventory:** Start with a complete inventory of your Internet presence, including things like IP addresses, vendor contacts, domain registration, email configuration and the construction of any cloud operating environment. This will greatly help in quickly dealing with an attack.

- **Points of Contact:** Include a list of contacts for both notification as well as assistance in dealing with the attack. Agencies at both the state and federal levels may have cyber groups that are geared to assist you in these areas. It is best to know what help is available before you need it.

- **Risk Analysis:** Conduct a risk analysis of your services outside of your network to determine what Internet-facing services are critical and what services could be temporarily shut down. This is an important planning step as it may be necessary to turn off some services in order to ensure the critical services can operate.

- **Public Press Releases:** Turning services off could also negatively impact your constituents’ perceptions of your agency should something occur. Plan...
now for how to deal with the unforeseen outages, including public press releases. Include what to share and what not to share about what is affected, and what you are doing to resolve it. It is best to be very vague concerning your protections and actions.

**Remediation:** Remediation is the term used to reduce the effects of a DDoS attack against your network. Before you experience a DDoS attack, ask your Internet service provider (ISP) if they offer any DDoS remediation service and the associated costs that you should expect. If the ISP does not provide DDoS remediation, several commercial vendors provide the service. Review their solutions and pricing models prior to needing their services. Negotiate for their service now rather than when you are under attack, as you may have fewer options if you wait. Remediation can be very costly depending on the vendor and the type of service they provide.

**Incident Response Plan:** Document all of the items contained in the plan and assign each task to a responsible party. This will save time when it is needed the most.

**IDENTIFYING AN ATTACK**

Initially an attack will most likely appear as an Internet service outage affecting your Internet availability, email traffic, VPN, or some other aspect of your services. If this occurs, a call to your ISP will help determine the cause and effect.

In the event of a DDoS attack, work quickly with your ISP or remediation vendor to regain control and protect other aspects of your network environment. Keep in mind that a DDoS attack may be designed to initially avert your attention away from other forms of hacking that sometimes are possible as a result of the weaknesses that were exploited during the DDoS attack itself. Therefore, do not rush to bring services back online too quickly. It may be beneficial to only bring services back up online once a thorough security screening is conducted. Depending on the threat and your preparedness to handle it, it may be necessary to remove the Internet connection to your firewall to prevent harmful traffic from gaining access to your services.

**SUMMARY**

None of us wish to be in the position of having to deal with situations similar to what took place in Ferguson in 2014, but as part of your preparedness for such an event, it is important that you include the information technology aspect in your preparedness plans. Plan now by creating an inventory list and a list of contacts; conducting a risk analysis; developing public press releases; researching remediation services; and creating an incident response strategy. Although creating such a plan will not provide protection from such an event, it will position your municipality to better handle the crisis and allow staff to focus on areas where they are needed most.

**Dr. Powell** is the general manager of the Regional Justice Information Service (REJIS) supporting public sector government agencies within Missouri, Illinois, and Kansas. In this role, Powell provides strategic leadership of all information technology support activities for more than 300 governmental agencies. Find more information at www.regis.org.
The University of Missouri-St. Louis’ Center for Ethics in Public Life opened its doors in 2012, and as I was introducing myself as its new director, I began to notice a trend. In every new meeting, the idea of “ethics for politicians” provoked a knowing smile and a sad shake of the head and a comment like: “Is that an oxymoron?” Or “Well you’ve certainly got your work cut out for you.”

Yet at the same time, all those I met who worked in the public sphere saw themselves to be serving a greater social good, itself a fundamentally ethical exercise. Is this one of those logically impossible situations in which everyone thinks he or she is a better-than-average driver, but not all can be? What is the truth about ethics in politics?

The truth is that politics is ethics. Democracy is our answer to perhaps the most difficult ethical problem facing modern humanity: How do we ethically protect the social cooperation that makes our society strong, while also respecting the rights of individuals to pursue vastly divergent visions of the good life and deeply conflicting moral and political beliefs?

This is such a challenging question that the best human history has done is come up with a process to approximate an answer at any given time: democracy. Living in a democracy means living in a constant state of moral negotiation. “What is the best kind of society possible under these circumstances, and how do we get there from here?” is not a question with any kind of permanent answer.

Circumstances change and ideals evolve, even if the underlying values don’t.

As distasteful as it may be, the best moral analogy for the democratic political process may be warfare. Before I venture further into this troubling analogy the memory of my own family’s military service forces me to state an obvious but critical distinction: Although both serve the noble cause of the greater social good, politicians, unlike soldiers, do not routinely risk violent death. Further, the analogy shouldn’t be taken to imply that one’s political enemy is morally equivalent to one’s mortal enemy; this is not an uncommon and gravely consequential mistake (see: congressional dysfunction).

The purpose of the analogy is to illustrate that the political process, as war, is an ongoing moral tragedy. A moral tragedy is a complex situation in which no choice is morally clean.

Jean-Paul Sartre exemplified moral tragedy in the story of a youth torn between providing bedside care for his dying mother and enlisting to protect his country. The choice is a moral tragedy because whatever choice he makes the youth will be betraying someone: his mother or his motherland.

The soldier’s choice to kill on the battlefield is a moral tragedy. Likewise, so are many of the choices politicians...
face: Should I write a bill that clearly expresses a principle I firmly believe in or one I think can pass? Should I write this policy to violate some individual rights or have it fail to fully protect social well-being? Should I make this backdoor vote-trading deal or see my important initiatives fail? Should I make promises I probably can’t keep and accept huge contributions from special interests or should I concede the race to my opponent?

In history, we have treated soldiers either as heroes or villains — there seems to be no in-between. Politicians are often subject to the same forced dichotomy. Perhaps we should pay more attention to their hero status even when they are just your local alderperson and even when their all-too-human imperfections mirror the imperfections of the process they are dedicated to.

This is not to absolve wrongdoers, of which there are plenty, of blame. The wrongdoers in public ethics are not the ones who vehemently defend a political position someone else just as vehemently disagrees with. They are the ones who undermine the process we have put in place to deal with precisely that situation.

The wrongdoers are the ones who seek power for their own sake, who serve their private interests while in the public space, who make deals on expediency, not principle, and cynically seek to manipulate this fragile democratic process rather than preserve it. We should hold these wrongdoers accountable, but not by indicting politicians as a class and turning our attention away from politics — doing so merely frees them to fulfill our worst expectations. Instead, we must hold them accountable to our best expectations.

In a democracy, dismissing politicians (especially ones who don’t agree with you) as inherently morally corrupt is like dismissing all the soldiers from either side in a battle as inherently morally corrupt. It allows us to turn our minds away from an unpleasant truth, but it is an ethical failure on our part as citizens just as surely as cynical, self-serving behavior is a failure on behalf of a public servant.

Prof. Wally Siewert is the director for the Center for Ethics in Public Life, University of Missouri-St. Louis. He may be contacted at siewertw@umsl.edu.

This piece appeared originally in the St. Louis Beacon, now merged with St. Louis Public Radio. Follow ongoing coverage of news and public issues at www.stlpublicradio.org.
Join Us in Kansas City!
Missouri Municipal League’s
81st Annual Conference
Sept. 20-23, 2015

MML General Session Keynote Speaker:
Kristy Dalton

Kristy Dalton is the CEO of Government Social Media, where she trains public sector agencies on using social media to engage citizens. She served in local government for more than 10 years in roles ranging from government web management to public relations. Kristy was recently the New Media Director for e.Republic, where she led social media strategy for industry magazines such as Government Technology, Governing and Emergency Management. You may recognize Kristy as “GovGirl”, the host and creator of the popular GovGirl.com online video show where she highlights government innovation.

2015 MML Scholarship Golf Outing

Join us for the MML Scholarship Golf Outing on Sunday, Sept. 20. The four-person scramble will be held at the Tiffany Greens Golf Club in Kansas City, Missouri. Proceeds benefit the scholarship program established by the MML Board of Directors to assist those employed in municipal government with furthering their education. Separate registration required. Learn more at www.mocities.com.
MML Pre-Conference Workshop: Political Ethics And Public Values

Join Professor Wally Siewert with the Center For Ethics In Public Life, University of Missouri-St. Louis, to explore political ethics and public values.

This interactive discussion reviews the nature of ethical obligations in public service. A central ethical feature of public service is the extent to which individuals are required to sacrifice their private interests in service to the public good. What are the limits of this obligation and what kinds of values constitute the public good? Combining case-studies and public value theory, as well as digital audience-polling technology, participants will explore the myriad of potentially conflicting values involved in the public sphere, providing new tools with which to think about and use when values conflict.

DON’T MISS THESE EVENTS!

Exhibit Hall: More than 130 firms bring you the latest services tailored for local government success. Exhibits are open Sunday evening during the Grand Opening Reception, 6-7:30 p.m., and Monday, Sept. 21, 8 a.m. - 4:30 p.m.

Town Hall Theater: Check theater times for more in-depth presentations from participating exhibitors.

Night At The Museum: Join us for a reception at the National World War I Museum in downtown Kansas City on Monday, Sept. 21, 5:30 - 8 p.m. The event will feature heavy hors d’oeuvres, drinks, and admission into the museum. Space is limited.

Learn more at www.mocities.com.
REGISTRATION:
All registrations must be made online, regardless of payment option. For those who need to pay by check, please select the “Bill Me” option for your payment method. Once you have completed the registration process, you will be prompted to view/print your registration. Please print (2) two copies, one for you and one to submit with your payment.

REGISTRATION FEES FOR MEMBERS:
All registration fees include (1) Monday Box lunch for attendee only. All other meals and events will need to be purchased. They are NOT included in the registration fee. Registration does NOT cover hotel costs/fees.
Early Bird: Registration fee is $300 per person. Early Bird registration fee expires on Aug. 28, 2015.
After Early Bird Expiration: The registration fee is $325 per person from Aug. 29 – Sept. 11.
After Sept. 11: Registration fee is $350. Any registrations received after September 11 will be considered as a walk-in registration.

LATE AND WALK-IN REGISTRATION FEES FOR MEMBERS:
$350 (Late registration fees will be assessed for member registrations made after Sept. 11, 2015, online or walk-in.)

FEES FOR NON-MEMBERS:
$450 (Anyone who attends the Conference, who does not hold an active membership in the MML.)

TICKET ADJUSTMENTS:
Deadline to make any ticket adjustments to your registration is Sept. 4, 2015, and must be emailed to Lori Noe at Lnoe@mocities.com. Note: You cannot adjust a registration after you have submitted it; you need to email changes to Lori Noe.

FOOD ALLERGIES:
Please indicate on the Registration Form if you have a food allergy or restriction.

SPECIAL NEEDS:
Please contact MML if you have any special needs while attending the conference and we will do our best to accommodate you. Email info@mocities.com or call 573-635-9134 to discuss your request.
HOTEL RESERVATIONS:
Attendees are responsible for their own hotel reservations/expenses. The MML room block is available for arriving on Sunday, Sept. 20 and departing on Wednesday, Sept. 23. Hotel reservations for the Sheraton Kansas City Hotel will need to be made through Starwood Hotels by clicking on the following link: https://www.starwoodmeeting.com/Book/Momunicipalleague2015. Or, call 816-841-1000 to make a reservation. Book, modify, or cancel a reservation by using the link. Room rates are $114 and up. Note: There is an early departure fee of $75 if you leave prior to your checkout date. Deadline for Hotel Reservations is 5 p.m. on August 19, 2015.

PARKING:
The parking garage is not owned by the Sheraton; there will be fees for parking. Download the fee schedule.

CANCELLATIONS: Cancellations must be received by email to Lori Noe at Lnoe@mocities.com or faxed to League headquarters at 573-635-9009 prior to 5 p.m., Friday, Sept. 4, 2015, to be eligible for a full refund. A $40 cancellation fee will be charged on all cancellations received after Sept. 4, 2015. Officials who register for the Conference, who do not attend and do not cancel their registration will be billed for the full conference registration and any ticketed items purchased at registration.
MML NOMINATING PROCEDURES

The governing body of the Missouri Municipal League consists of the President, Vice President, all Past Presidents who continue to hold elective office, 12 Board Members who are elected municipal officials and five Board Members who are appointed municipal officials. The Bylaws require there be at least one Board Member from each of the nine Missouri Congressional Districts, and no municipality can be represented by more than one Board member (except officers and Past Presidents). Board Members are limited to not more than two consecutive full terms (each term is two years.) Officers (President and Vice President) shall have served not less than one year on the Board.

At the Annual Conference, nominations for President, Vice President and Board Members are made by a Nominating Committee of not more than 11 municipal officials appointed by the President. The Committee holds an open session to explain the nominating procedures and to allow delegates to suggest names for nomination. The Committee then meets in executive session to prepare a slate of nominees. At least 24 hours before the Business Meeting, the Committee posts the slate of nominees. Within ten hours of the Business Meeting, other nominations may be made by petition signed by at least ten municipal officials representing at least ten municipalities. The petition provision provides an open process within which interested municipal officials may challenge the Committee’s nominees.

The Nominating Committee determines which members of the slate may be contested by the petition without jeopardy to the requirements of the Bylaws for the composition of the Board. The vote in any contested election is by written ballot, and each member city present has one vote.

The Board of Directors and membership have adopted an open and accessible nominating procedure. Municipal officials are encouraged to communicate suggestions to the Nominating Committee directly or through League headquarters. The Committee Members solicit input at the Annual Conference (where they are easily identified by ribbons) and at the open meeting of the Committee. Your MML nominating process is open and easy, but it is up to you to use it.

2015 Nominating Committee Chair: Mayor Carson Ross, Blue Springs, Cross@bluespringsgov.com.
MML RESOLUTIONS COMMITTEE

The 2015 Resolutions Committee of the Missouri Municipal League will meet prior to the Conference on July 23 to consider the recommendations of the four separate policy committees. The report of the Resolutions Committee will be made to the delegates at the business meeting during the Conference. Any municipal official desiring to have a specific topic considered should submit a proposed resolution to League headquarters as soon as possible. Any resolutions brought directly to the Annual Conference must be submitted 24 hours before the annual business meeting with copies (200) provided to the League’s president, the resolution’s chair and the executive director.

The statements recommended by the Resolutions Committee and approved by official vote of the League’s membership will become the “Municipal Policy Statement” for 2015-2016. This policy will provide the guidelines for the legislative program of the League, and direct the activities of the League’s staff during the 2015 session of the General Assembly.

Mayor Matthew Robinson of Hazelwood has been appointed chairman of the Resolutions Committee for 2015. Other members are: Mayor Dale Bagley of Macon; Loss Control and Member Services Director Patrick Bonnot of MIRMA; Mayor Terry Briggs of Bridgeton; Alderman Shane Cohn of St. Louis; Mayor Barry Glantz of Creve Coeur; City Administrator J.T. Hardy of Sullivan; Mayor Brian Hasek of Harrisonville; Alderman Christine Ingrassia of St. Louis; Mayor Leonard Jones of Grandview; Mayor Norman McCourt of Black Jack; Mayor Robert McDavid of Columbia; Mayor Arthur McDonnell of Kirkwood; Counselor Terry McVey of Kennett; Councilmember Steve Moore of Fulton; Executive Director Jan Neitzert of Missouri Park and Recreation Association; Mayor Randall Rhoads of Lee’s Summit; Councilmember Scott Roberson of Independence; Mayor Kathleen Rose of Riverside; Councilmember Debi Salberg of Webster Groves; Mayor Mike Schneider of Overland; Councilmember Arthur Sharpe, Jr., of University City; Councilmember Gary Shaw of Joplin; Mayor Robert Stephens of Springfield; Mayor Christopher Thornton of Brentwood; Councilmember Scott Wagner of Kansas City; and Mayor David Willson of Manchester.

2015 MML Annual Scholarship Golf Outing

Tiffany Greens Golf Club
5900 NW Tiffany Springs Parkway, Kansas City, Missouri 64154

Sunday, Sept. 20 | Registration @ 11:00 a.m. | Shotgun @ Noon

Registration includes a boxed lunch.

SPONSOR/PARTICIPANT LEVELS:

GOLD LEVEL $500.00, includes: hole sponsor, four drink tickets each, four 50/50 tickets and four golfers

SILVER LEVEL $400.00, includes: four drink tickets each, four golfers

BRONZE LEVEL $100.00, includes: individual golfer

DEADLINE - Sept. 4, 2015. Registrations are on a first-come, first-served basis and must be made online. There are two payment options available: 1) to pay by credit card, or 2) for those who want to pay by check, please select “Bill Me” for your payment method. All golf must be prepaid by Sept. 4. When you have completed the registration process, you can print an invoice to submit with your payment and one for your records.

Please call Tony Russo at 314-435-3779 with questions.
81ST ANNUAL CONFERENCE
TENTATIVE SCHEDULE

SUNDAY, SEPTEMBER 20, 2015

9:00 a.m. - 4:00 p.m. CCFOA ADVANCED ACADEMY
- “Athenian Dialogue” - Dialogues are conversations that go beyond the usual knowledge recall and application process familiar to all municipal clerks in training seminars. They are unique because they explore leadership principles and practices, drawing on the insights contained in the book “5 Days at Memorial”. (The Academy is open to all conference attendees; registration is through the Missouri State University - Outreach. For registration or questions contact Belinda Davis at 417-836-6866 or email bdavis@missouristate.edu. Registration fee is $100. Attendees will need to purchase and read the book “5 Days at Memorial” prior to the workshop.)

11:00 a.m. 2015 MML ANNUAL SCHOLARSHIP GOLF OUTING - TIFFANY GREENS GOLF CLUB (5900 NW Tiffany Springs Pkwy., Kansas City, MO 64154.) A four-person scramble. Box lunch and drinks provided. Cost: $100. Separate registration required. Contact Tony Russo, Cochran Engineering (trusso@trekkdesigngroup.com or 314-435-3779).

12:00 p.m. REGISTRATION OPENS

1:00 p.m. - 3:00 p.m. MML PRE-CONFERENCE WORKSHOP - “POLITICAL ETHICS AND PUBLIC VALUES” - This workshop will be an interactive discussion of the nature of ethical obligations in public service and an exploration of the value of frameworks involved. A central ethical feature of public service is the extent to which individuals are required to sacrifice their private interests for the public good. What are the limits of this obligation and what kinds of values constitute the public good? (Two hours elective credit toward MGI certification). (Cost $45) Speaker: Prof. Wally Siewert, Director, Center For Ethics in Public Life, University of Missouri-St. Louis

5:00 p.m. NOMINATING COMMITTEE
6:00 p.m. - 7:30 p.m. GRAND OPENING RECEPTION

MONDAY, SEPTEMBER 21, 2015

8:00 a.m. REGISTRATION AND EXHIBITS OPEN

9:00 a.m. CONCURRENT SESSIONS

MUNICIPAL GOVERNMENT 101: COUNCIL PROCEDURES - Back by popular demand! This session will cover the basics of municipal government geared for newly elected officials, as well as seasoned veterans who want a refresher course. The speakers will discuss forms of government, powers and duties of municipal officials, council procedures, voting, conflicts of interest and nepotism – all of the nuts and bolts. (Session will provide ½ hour Fundamentals of Governance and ½ hour Ethics toward MGI certification).

BICYCLING, WALKING, AND TRAILS IN MISSOURI CITIES: PROGRESS, PROMISE, AND HOW-TO - Bicycling, walking, and trails has become a topic of interest for many of Missouri cities - large and small. How are cities across Missouri building their bicycle, pedestrian, and trail networks? How are they funding their systems, building citizen support, and overcoming obstacles? How are the systems received by the public, how much are they used, and what value do they bring to the community?

HEALTH CARE REFORM - PREPARING FOR 2016 AND BEYOND - Affordable Care Act: Full-time tracking and reporting, cost implications, compliance requirements, challenges and opportunities for employers.

DEBT MANAGEMENT POLICIES - ESTABLISHING AND SETTING A PATH TOWARD RECOVERY (GFOA) - This session will cover the finer points of debt management policy including policies governing TIF’S, CID’s, and NID’s. Learn practices recommended by the Government Finance Officers Association, as well as basic definitions of more complex terms.

10:45 a.m. CONCURRENT SESSIONS

MUNICIPAL GOVERNMENT 102: LEGAL ISSUES

Debt and reporting, cost implications, compliance requirements, challenges and opportunities for employers.

FUNDING PARK AND RECREATION PROJECTS (MPRA) - Why are essential services constantly at risk because of “no tax” voting environments? This session will discuss why government services deserve support, especially in challenging economic times. Presenters will discuss opportunities that can help support public health and parks and recreation, as well as other valuable benefits.

GETTING THE MOST OUT OF YOUR CITY ATTORNEY - Hear the pros and cons and practical differences of in-house versus outside counsel, why communication is key, who the client really is and knowing when to use specialized counsel.

CYBER CRIME AWARENESS - (CCFOA)

12:00 p.m. BOX LUNCHEON

1:15 p.m. CONCURRENT SESSIONS

GETTING THE JOB DONE: PITFALLS FOR CONSTRUCTION CONTRACTING IN MISSOURI - All “standard form contracts” are generic, not state-specific, and generally favor the group that drafted them. There are many items within them that should be fine-tuned to reflect the policy decisions of the municipalities issuing them. Learn how to protect your municipality’s projects and funds. Find out whom to get lien waivers from and what liens are waived. Who can indemnify and for what? When do you need to pay prevailing wages? (Session will provide 1 hour credit for Public Works Contracting toward MGI certification.)
**Municipal Risk Management** - Municipal employees are given a wide variety of duties throughout the workweek. If not trained properly, they can become a big liability for the city. This session will cover safety issues that city employees encounter and how cities can manage liability with certificates of insurance.

**Getting Real about Generation Gaps**

**Effects of Cyberactivism on Municipal Operations** - What would happen if your municipality was faced with a cyber-attack? This session will focus on a recent case study on the implications of such an attack on governmental agencies within the state of Missouri. Primary focus will be how to prepare, what could happen, and how to respond if this does happen.

2:30 p.m. **Concurrent Sessions**

**Collective Bargaining: The Latest Challenge to Local Government** – Learn how municipalities can deal with union activity and negotiations consistent with current Missouri law. Obtain practical advice on dealing with complex court decisions to fully protect municipalities’ authority when managing employees. Implications of a new court decision where MML provided an amicus brief will also be discussed.

**Cultural Diversity** - Communities are becoming increasingly diverse. The number of lawsuits related to various types of discrimination is at an all-time high, thus becoming a burden to budgets. Emmanuel Ngomsi, Ph.D., uses the best examples of successful diverse communities to highlight how to use diversity as an asset to make municipalities a harmonious place for residents and visitors, as well as attractive to businesses.

**Topic: TBA** (MCMA)

**Facilitating the Installation of Solar Energy: Working with Local Governments to Implement Solar Best Management Practices in the Kansas City Metro and Beyond** - This session will cover the Mid-America Regional Council solar energy policy work that has been funded by the U.S. Department of Energy since 2012. The bulk of this work has been developing solar best management practices (BMPs), as well as recruiting local governments and working with their staff on BMP implementation and facilitating the installation of solar energy.

3:30 p.m. - 4:30 p.m. **Snack Party**

5:30 p.m. **Monday Night Special** - The Missouri Municipal League is hosting a special Monday night event at the National World War I Museum in downtown Kansas City on Monday, Sept. 21, 5:30 – 8:00 p.m. This event will feature heavy hors d’oeuvres, drinks, and admission into the Museum. (Cost: $20, Limit 300 persons)

**Tuesday, September 22, 2015**

7:30 a.m. **Registration**
9:00 a.m. **General/Business Session**

*Address: Kristy Dalton aka “Gov Girl”

Business Meeting/Adoption of “2015-2016 Missouri Municipal Policy”/Election of Officers/Door Prizes

12:00 p.m. **AWARDS LUNCHEON**

*Address: “National Perspective” - Melodee Colbert-Kean, First-Vice President, National League of Cities

2:00 p.m. **Concurrent Sessions**

**Basics of Planning and Zoning** - From conditional use permits to planned unit developments (PUDs) and board of zoning adjustments (BZAs), this session will provide an overview of how planning and zoning is supposed to work, as well as discuss some common pitfalls. (Session will provide 1 hour credit for Planning and Zoning toward MGI certification.)

**Water Infrastructure and Affordability** (MUPA)

**Communicating for Success** - Learn how successful communication can benefit your citizens and where to focus your efforts when employing a full-time public information officer is not an option.

**Innovation Award Showcase** - Meet and hear from municipalities who submitted a project for the MML Innovation Awards. Learn about successful programs across the state that may be of value to your community.

3:30 p.m. **Concurrent Sessions**

**Basics of Economic Development** - This session will provide an overview of the framework that municipalities may use to approach economic development. Explore the use of tax increment financing (TIFs), neighborhood improvement districts (NIDs), community improvement districts (CIDs), transportation development districts (TDDs), and Chapter 100 bonds. (Session will provide 1 hour credit in Economic Development toward MGI certification.)

**New Missouri Laws** - Review the impact of Missouri’s new laws on municipalities, from the revised Macks Creek law to election law changes.

**MO Ethics Commission** (MoCCFOA) - This session will cover ethics reporting, campaign finance, and personal financial disclosures.

**Violence Prevention Through Verbal De-Escalation**

6:00 p.m. **Reception**

*Entertainment: The Diverse Trio

7:00 p.m. **Annual Banquet**

*Entertainment: McFadden Brothers

**Wednesday, September 23, 2015**

7:30 a.m. **Breakfast Buffet and Door Prizes**

*Address: “Get-Real Leadership” - Harry S. Campbell

10:00 a.m. **Conference Adjourns**

*MGI - Stands for the Municipal Governance Institute. Sessions marked “MGI” will provide the attendees who are enrolled in the Municipal Governance Institute with course credit towards obtaining designation as a Certified Municipal Official. MGI sessions are open to all conference attendees whether enrolled in the MGI program or not. Contact League staff at 573-635-9134 for more information on the MGI program.
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Missouri Senate Bill 5 imposes a variety of mandates upon Missouri municipalities. Some of the mandates are new and some reinforce or make more stringent existing requirements. None of the mandates are funded by the state. There are some significant legal issues regarding the validity of the Bill.

Section 105.145 RSMo has for many years required cities to submit financial reports to the state auditor. It has also required a suspension of payments to elected officials during periods of noncompliance. Beginning with the 2013 amendment to the “Mack’s Creek” statutory limit on revenues from local traffic fines, such reports were to include information regarding the percentage of general operating revenues derived from traffic fines and the sanctions for noncompliance were expanded to include suspension of municipal court jurisdiction.

Now with the 2015 amendments, SB 5 has reduced the “Mack’s Creek” cap from an “all-traffic-fines” limit of 30 percent to a maximum on general operating revenues to be derived from “minor traffic violations” of 12.5 percent for municipalities in St. Louis County and 20 percent for the rest of the state. The change in the cap will be effective with the start of each city’s first fiscal year on or after Jan. 1, 2016. “Minor traffic violations” that are subject to the new revenue caps are defined as those charges that result in four or fewer points on a driver’s license but exclude charges of speeding more than 19 miles per hour over the limit, offenses involving commercial vehicles, offenses in school or construction zones, and offenses involving any accident or injury. The percentage for prior periods (for all traffic fines and costs) remains 30 percent, although a pending lawsuit could still void the 2013 amendment that reduced the limit to that percentage.

The 2015 bill also clarified certain applicable terms by defining “annual general operating revenue” and “court costs”, so that cities will better know how to calculate and report their “Mack’s Creek” percentage. Department of revenue and state auditor rules are to be issued to assist with compliance in reporting and remitting any revenues beyond the cap. A beneficial aspect of the new law is that the auditor’s rules must include “a reasonable opportunity for demonstration of compliance without unduly burdensome calculations.” Presumably, this will mean that a city whose total court fine revenues not close to the limit can report without performing more specific calculations. However, unless a city is absolutely sure that it will be able to demonstrate compliance without specific calculations, it will need to establish systems to allow for more specific reporting as and when needed to comply with the new requirements. Third party providers

HAS SENATE BILL 5 PUT YOUR COMMUNITY UP MACK’S CREEK WITHOUT A PADDLE?

by Carl Lumley, Ken Heinz and Kevin O’Keefe
such as the Regional Justice Information Service (REJIS) will presumably be changing their systems as well.

SB 5 also will require an addendum to the annual financial report under Section 105.145 that is certified by a city’s municipal judge, confirming “substantial compliance” with new court procedures “during the preceding fiscal year.” There is no specific transition period for meeting these new requirements; therefore, the most conservative interpretation calls for immediate compliance so that the next report by a city can include such a certification. The new procedures are set forth in Section 479.360 and address limits on the duration of custody after arrest, protection of rights of indigent defendants, elimination of failure to appear charges on minor traffic violations, assurance of open court proceedings, and use of alternative payment plans, community service alternatives, and convenient payment methods.

Failure to meet the new reporting requirements can, after notice and opportunity for court review, result in transfer of all local court matters to the associate court and diversion of court revenues pending ultimate compliance. Additionally, the director of revenue must withhold sales tax revenues from a noncompliant city.

Moreover, a noncompliant city or county must hold a disincorporation election, and cannot avoid that requirement by subsequent compliance with the requirements of SB 5.

The 2015 bill adds additional “court reform” measures in Sections 302.341 and 479.350 that eliminate the penalty of suspension of driver’s license for ignoring minor traffic violation court proceedings, limit fines and court costs for such violations to a maximum total of $300, eliminate incarceration as a penalty for most such violations, and prohibit assessment of court costs against the indigent or in cases that are dismissed.

The bill does add a new collection tool for cities, involving interception of income tax refunds.

Finally, in new section 67.287, SB 5 enumerates “minimum standards” that cities in St. Louis County must meet by Aug. 28, 2018, regarding annual budgets, audits, cash management and accounting systems, “adequate” insurance, public access to ordinances, police policies, and construction code...
review. By Aug. 28, 2021, these cities must also achieve accreditation for their police department or contract with an accredited department. Compliance must be reported publicly on the city website, or if there is not one on the county website. Failure to comply can result in suit being filed by the attorney general to appoint a receiver for the city and potentially disincorporation. Needless to say, no funding has been provided to pay for the required police accreditation process or any of the other requirements of SB 5.

What remains to be seen? Is the new bill valid, or does it unconstitutionally divert municipal court revenues without any reduction in local government responsibilities? Is it legally permissible for St. Louis County communities to be singled out for a significantly lower cap on traffic fines and costly minimum standards than what will apply to other communities around the state, like Kansas City and the city of St. Louis? Will the likely disparate impact of the bill on minority communities result in litigation or yet another round of “Mack’s Creek” legislation? Will the Hancock Amendment’s prohibition of unfunded mandates trump any of the bill’s new requirements for cities?

If anyone raises such questions in court, it will take some time to learn the answers. So for now, cities must focus on immediate compliance with new court procedures and changes in revenue limits, tracking “minor traffic offenses” and revenue derived from related fines and costs as a separate category of data, and, in St. Louis County (for now), timely compliance with the new “minimum standards” for local government. Among other things, cities should examine all applicable ordinances, finance practices, and police operating orders.

Of course, cities must also continue to find a way to deliver essential local services including but not limited to police protection and courts, with taxpayers now bearing even more of the costs than violators. The Missouri Legislature has been ratcheting down the “Mack’s Creek” limit on a regular basis in recent years, far down from the original 45 percent limit set in 1995. It has never at the same time provided an alternative source of revenue or reduced the service needs of local communities. With SB 5, the Legislature has instead imposed even more local requirements that cities are somehow expected to meet with even less resources.

Carl Lumley is Principal and President of Curtis, Heinz, Garrett and O’Keefe, P.C., in St. Louis, Missouri. Contact him at Clumley@chgolaw.com. Ken Heinz and Kevin O’Keefe are Principals at Curtis, Heinz, Garrett and O’Keefe. Contact them at Kheinz@chgolaw.com and Kokeefe@chgolaw.com.
Turmoil reigned during the final week of the first session of the 98th General Assembly. In the Senate the controversial passage of right-to-work legislation brought that body to a standstill. A somber mood hung over the House as revelations of misconduct by Speaker of the House John Diehl emerged, forcing him to resign from the Missouri House of Representatives on the last day of the session.

It has become a common practice during the final days and hours of the legislative session to load bills with amendments. These amendments are typically measures that were not properly scrutinized during the session or could not pass on their own merit. The unprecedented end to the legislative session resulted in the failure of these last-minute harmful amendments without the normal “mad dash” to get them removed.

Our successes this session could not have occurred without the active participation by municipal officials. Responses to action alerts turned the tide on a number of bills. The testimony before standing committees by municipal officials not only affected the outcome of legislation; it demonstrated to legislators the high degree of professionalism and knowledge possessed by municipal officials.

There is a saying in Jefferson City, “If you are dying, you want to die in the House or Senate because nothing is really dead in the Missouri General Assembly.” We expect that many of the bills the League opposed during the 2015 legislative session will return next year. During the next few months leading up to the second session of the 98th General Assembly, well-funded special-interest lobbyists will be meeting with legislators to garner support for legislation that will harm municipalities. It is very important that municipal officials also meet with legislators prior to next session to counter special interests’ call for detrimental legislation.

Issues that we believe will return next year include:

- Shifting right-of-way relocation costs to municipalities
- Local sales tax exemptions for entertainment venues
- Elimination of landlord/tenant joint liability for water and sewer bills
- Elimination of municipal taxes on prepaid phone cards
- Prohibiting municipalities from providing certain services
- Pre-emption of municipal taxicab regulations
- State-mandated police officer termination procedures

There will certainly be other issues, both positive and negative, that will be introduced next legislative session.

MML 2015 LEGISLATIVE UPDATE
by Richard Sheets

BILLS OF INTEREST TO MUNICIPAL OFFICIALS THAT PASSED

(Bills without a specified effective date or emergency clause go into effect on Aug. 28, 2015.)

“Mack’s Creek” Bill

CCS/HCS/SS/SCS/SB 5 was Truly Agreed To and Finally Passed and is now on Gov. Nixon’s desk. The Governor will likely sign the bill into law. This bill further limits municipal revenue from traffic fines, mandates new municipal court procedures and strict financial reporting requirements. Municipalities are prohibited from receiving more than 20 percent of their general operating funds from minor traffic violations. For municipalities in St. Louis County, the threshold is 12.5 percent of their general revenue. “Excess” revenue must be sent to the Missouri Department of Revenue. Municipalities in St. Louis County are subject to a state-mandated disincorporation referendum if they do not meet 12 operating standards within three years.

A lot of misinformation, distorted facts, and derogatory comments about municipalities were expressed publicly by those in support of this legislation. This was a case of municipal bashing at its worst. The rhetoric from bill supporters will harm the reputation of all hard-working Missouri officials for years to come. It was disheartening to hear.
Urban Agricultural Zones (UAZ)

HCS/SS/SCS/SB 12 adds a definition for “mobile unit” and modifies the definition of “processing urban agricultural zone (UAZ)” to include produce. Under this act, any local sales tax revenue received from the sale of agricultural products sold by a mobile unit associated with a vending UAZ shall be deposited into the urban agricultural zone fund. Fund moneys shall be split evenly between school districts providing certain curriculum and municipalities for UAZ improvements. Municipalities’ allocation of fund moneys shall be based upon the municipality’s percentage of local sales tax revenues deposited into the fund. (Section 262.900 RSMo)

Sales Tax Exemptions For Data Storage Centers

SB 149 provides state and local sales and use tax exemptions for all machinery, equipment, computers, electrical energy, gas, water and other utilities, including telecommunication and Internet services used in new data storage center facilities. The act also provides a state and local sales and use tax exemption for purchases of tangible personal property for the construction of a new data storage center facility. In order to receive the sales tax exemption provided for new data storage center facilities, an application must be made to the Department of Economic Development for certification. Such application must show that the project will result in at least $25 million of new facility investment and create at least 10 new jobs with wages of at least 150 percent of the county average wage over a three-year period.

Solid Waste Management Districts

SB 445 establishes:
- conflict of interest criteria for solid waste management district board members;
- allocated district moneys remaining at the fiscal year due to inadequate grant applications shall be reallocated for grant applications in subsequent years and projects other than district operations;
- that district moneys remaining after five years shall be returned to the solid waste management fund;
- an extension of the moratorium on increasing the sanitary landfill tipping fee, the demolition landfill tipping fee, and the transfer station tipping fee set to expire in 2017; and
- changes to the composition of the solid waste advisory board.

Petition Audits

SB 87 requires persons submitting petitions for an audit of a political subdivision to be a resident or real property owner within the political subdivision and to return the signed petition within one year of requesting the petition from the state auditor. Persons may rescind their signature on such a petition by delivering a sworn statement to that effect to the state auditor within 10 days of the receipt of the signed petition by the state auditor.

Sales Tax Holiday

SS SCS HCS HBs 517 & 754 adds a graphing calculator with a taxable value of $150 or less to the list of items that are exempt from sales tax during the annual sales tax holiday for school supplies and lowers the amount allowed for personal computers or computer peripheral devices from $3,500 to $1,500.

Plastic Bags And Minimum Wage (Vetoed)

SS#2 HCS HB 722 prohibits banning or placing a fee on the use of plastic bags and prohibits municipalities from establishing a citywide minimum wage that is higher than the state or federal minimum wage. This bill will not pre-empt any municipal minimum wage laws enacted prior to Aug. 28, 2015.

Tax Study Commission

SS HB 384 establishes the study commission on state tax policy. The public hearings will be in different geographic regions of the state. The commission must study the tax structure, identify the strengths and weaknesses, investigate ways to improve the policy, and provide recommendations on the tax policy to the general assembly. Municipalities will have a representative on the commission.

Election

SS SCS HCS#2 HB 63 re-enacts a statute that was repealed last year exempting municipalities from the requirement to hold primary elections.

Sales Tax Exemption For Commercial Laundries

SB 20 creates a state and local sales and use tax exemption for material, machinery, and energy used by commercial laundries in treating or cleaning textiles. The facility must process at least 500 pounds per hour and 60,000 pounds per week to qualify for the exemption.
BILLS OF INTEREST TO MUNICIPAL OFFICIALS THAT FAILED TO PASS

SB 222 (Sen. Schatz) required municipalities to pay for the cost of moving all telecommunication facilities in the right of way. (Opposed)

SB 266 (Sen. Schaefer) prohibited municipalities from providing services that are being provided by the private sector. (Opposed)

SB 430 (Sen. Curls) provided that when a municipality seeks to annex an area that contains a portion of a state highway, the proposed annexation must include the area that extends one mile directly perpendicular to the outer edge of each of the two outermost lanes on both sides of the highway. (Opposed)

HB 756 (Rep. Hicks) would have allowed the prepaid phone card company Tracfone to evade millions of dollars in local gross receipts taxes. (Opposed)

HB 275 (Rep. Hinson) would have removed the inflationary assessment growth factor that is currently allowed when municipalities calculate their annual property tax rate. (Opposed)

SB 150 (Sen. Parson) exempted motor vehicles older than 10 years from the local and state sales tax. (Opposed)

HB 662 (Rep. Ross) required municipalities to pay for the cost of moving all utilities in the right of way. (Opposed)

HB 641 (Koenig) placed a sunset on local sales taxes. (Opposed)

HB 714 (Rep. Lauer) changed the laws regarding funding for emergency 911 services, administration of 911 funding, and the cooperation and contracting between emergency service providers. (Supported)

SB 323 (Sen. Munzlinger) allowed non-residents to run for city office in third- and fourth-class cities. (Opposed)

SB 223 (Sen. Schatz) eliminated the inflationary growth factor for municipal property tax rates. This bill gives taxpayers standing to sue without first paying taxes under protest and allows for class action lawsuits. (Opposed)

HB 690 (Rep. Korman) required anyone charged with a nonmoving traffic violation, excluding parking tickets, to receive notification, in person, within 24 hours of the violation from a law enforcement officer. (Opposed)

HB 308 (Rep. Gardner) changed from 30 percent to 15 percent the maximum amount of its total annual revenue a city, town, or village may receive from fines and court costs for traffic violations. (Opposed)

HB 332 (Rep. Barnes) changed from 30 percent to 10 percent the maximum amount of its total annual revenue a city, town, or village may receive from fines and court costs for traffic violations. (Opposed)

HB 389 (Rep. Hoskins) required the Missouri Department of Revenue to create a system that allows a business to remit one payment per month to the department for a tax, fee, charge, or assessment if the total amount is more than $50,000 and is owed to at least 25 governmental entities. (Opposed)

SB 540 (Sen. Libla) would have raised the motor fuel tax by 6 cents per gallon in 2-cent increments beginning this year. The tax would be adjusted annually for inflation beginning three years after enactment. Municipalities would have received an additional $35,000,000 in gas tax revenue. (Supported)

SB 305 (Sen. Onder) would have allowed telephone companies to elect to have their tangible personal property assessed in accordance with a depreciation schedule. Local government, particularly schools, would lose millions of dollars if SB 305 had been enacted into law. (Opposed)

SB 351, HB 781 and HB 792 pre-empted municipal taxicab regulation by exempting transportation network companies (“TNC”) from local licensing and regulations. (Opposed)
The Missouri Municipal League (MML) filed an amicus curiae brief in support of the city of Grandview’s appeal of an adverse collective bargaining lawsuit trial court decision. Grandview had been sued by the Fraternal Order of Police (FOP) seeking to challenge the City’s ordinances on collective bargaining unit determinations; on the definition of “good faith” bargaining; on the process of elections to select an exclusive bargaining agent; and on elimination of certain topics from negotiations. The trial court ruled for the FOP and the city of Grandview appealed. The Western District Court of Appeals overturned the trial court and found on behalf of the City on all points except one relating to the number of votes needed to win a bargaining unit election.

The Court of Appeals determined that a city may adopt an ordinance regulating collective bargaining elections and may mandate elections to be conducted where there is no majority determination of who the employees want as an organization to represent them. The Court also determined that a city can require an election as the exclusive method for selection or rejection of a bargaining agent by employees.

The FOP challenged the constitutionality of the City’s ordinance because it prohibited supervisors from being in the same unit as employees they supervised. FOP challenged the requirement that 50 percent of the unit eligible voters must choose a representative. FOP objected to the requirement that different unions had to represent supervisory units and the units supervised. It also objected to the requirement that employees who serve as the representative of employees do so without being paid by a city while performing such duties. FOP challenged the limit of contracts to a one-year duration. Finally, FOP challenged the right of the City to change terms of a contract in the event of a budgetary shortfall or when an exclusive bargaining agent is decertified.

The Court determined that the City was free to set out what it allows for inclusion in bargaining units relying on decisions issued under the state’s “meet and confer” law (Sec. 105.500 RSMo et seq). The potential for conflict of interest was assessed and used as a basis for creating separate bargaining units for employees where such conflicts can arise. The Court determined that someone must act on the behalf of a city; and therefore, it is proper to exclude supervisors from units of supervised employees. Such delineation does not violate the rights to bargain collectively, and a city in exercising its legislative power can regulate such bargaining units.

The Court also found that the Missouri Constitution does not require a city to create a procedural forum to establish appropriate bargaining units. Having such a procedure is acceptable but not constitutionally required. Thus, a city could specify what bargaining units it would recognize for purposes of permitting employees to exercise their rights to bargain collectively or to select their representatives. What the Court did allow was for an organization that disagrees with the designation by a city of who are “supervisors” to seek review in the circuit courts. The ability
to challenge supervisory designation is not a new concept. It was adopted under the “meet and confer” cases.

The Court of Appeals found specifically that the trial court invaded the separation of powers doctrine when it substituted its judgment for the Board of Aldermen’s legislative province in Grandview. MML specifically fought to preserve the separation of powers doctrine in its amicus brief.

As to the limitation of selection of bargaining agents, the Court of Appeals determined that a city has the legal ability to make decisions as to what entities can qualify to represent its workers so long as the limitations are not “unreasonable or arbitrary barriers” to the exercise of the employees to select agents of their choosing. The Court found nothing arbitrary or unreasonable about the ordinance prohibition of the same union representing employees and also representing supervisors. This preserves the ability of a city to have someone serve the interests of a city in relation to employees. The Constitution does not provide an absolute right to select representatives of employees’ choosing without any limits. So long as the limitation does not interfere with employees’ rights to bargain, limitations are proper determinations for the local government to make using its legislative prerogatives.

The Court next took up the limitations placed on payment of employees who serve as union representatives and also mandating single-year contracts. The Court did not find such restrictions to violate the Constitution, and in doing so, the Court pointed out that negotiations may result in a city having to amend existing ordinances to implement items agreed to during negotiations. This setting of preconditions to negotiations in an ordinance is not a violation of employees’ rights to engage in collective bargaining. The Court stated that the “mere fact that some issue is addressed in an ordinance . . . does not mean that a city would be unwilling to negotiate over a change to that ordinance.”

The Court determined that the Constitution does not place any affirmative duties on a city except to meet and confer in good faith. Since the legislature has not enacted any guidelines, it is left to a city using its legislative authority to make such determinations. If a city fails to negotiate some particular issue, the union can seek court review. However, enactment of an ordinance setting some limitations is not in and of itself a violation of the duty to negotiate in good faith.

What can be learned from this decision that is the definitive authority on what a local government can do is that the municipality has a great degree of latitude when exercising its legislative authority in relation to collective bargaining. It is the same discretion that exists for exercising other city processes where ordinances are enacted. So long as a city acts in a non-arbitrary or reasonable manner, it can regulate the activity of the collective bargaining process as it chooses. If it acts arbitrarily or unreasonably, the union and employees can then use the court system to address the suggested violations.

The Missouri courts have spoken definitively as to what rights employees have and how local governments can meet their governing obligations without violating the Constitution. The proper exercise of legislative prerogatives has been preserved. The Missouri Municipal League’s amicus arguments assisted the city of Grandview in establishing a framework for collective bargaining consistent with all of the decisions issued by the Missouri courts to date.

Municipal officials should take the time now to determine what is good for each of their needs and ability to manage the local work force before presented with a request for recognition for police officers. It is better to be prepared in advance than to wait and have to react in a way that limits choices that could have been made before a problem arises. Police departments and local governments throughout the state are being faced with collective bargaining requests that cannot be ignored. Now is the time to prepare by obtaining proper and skilled advice.

Ivan Schraeder is an attorney with the Lowenbaum Partnership LLC. He can be reached at ishraedero@lowenbaumlaw.com.
When was the last time you visited Cape Girardeau? If you returned today, you would notice changes and growth at a rapid pace that would not have been possible without the hard work of both city government and community partners. Below are a few of the City’s most recent, and unique, projects sprouting up around town.

**COMMUNITY GARDENS AND ORCHARD PROJECT**

Community gardening is nothing new in Cape Girardeau. The Cape Girardeau Parks and Recreation Department has partnered with volunteers and master gardeners to create several community gardens in past years. However, for 2015, a grant administered through the Cape Girardeau County Healthy Communities Coalition, in conjunction with the Cape Girardeau County Public Health Center, brought on a new phase of growth. Members of the coalition facilitating the grant include city government staff, representatives of local hospitals and schools, local businesses and restaurants, and more.

Receiving the grant enabled the addition of part-time staff for the community gardens and additional programming for 2015. The grant has aided in long-term planning and the addition of free gardening classes for the public co-hosted at city facilities and presented by University of Missouri Extension staff, among others.

“My job is coordinating volunteers at the four gardens and organizing new classes for the community,” said Emily Scifers, the part-time coordinator on staff for the project.
“We’re working to develop more educational opportunities and outreach. We really want to get the community involved.”

The newest project is a raised-bed style community and demonstration garden constructed next to the Shawnee Park Center. Orchard fruit trees were added to the grounds of the Shawnee Park Center, including three peach, three pear, and three apple trees. Classes offered this spring ranged from planting and maintaining a personal garden to cooking and canning techniques. All of these were made possible through the grant.

The goal of this project and the Healthy Communities Coalition is working together to promote healthy lifestyles in the Cape Girardeau area. Considered among the “healthier” counties, Cape Girardeau County was recently ranked number 24 of the state’s 115 counties. In 2012, a study by the Cape Girardeau Public Health Center identified the three most significant problems affecting the health status of its population, including the obesity rate, an increased rate of smoking in the county, a higher rate of smoking during pregnancy, and overall immunization rates. By working with the community gardens project and providing programs the coalition, community partners, and volunteers hope to educate others on how to provide healthy food options at their own homes and provide healthy items to those who may need them.

CAPE GIRARDEAU OUTDOOR SCULPTURE EXHIBITION: YEAR TWO

April 2015 marked the second year of the launch of the Cape Girardeau Outdoor Sculpture Exhibition. Seven sculptures created by artists from all over the Midwest grace various locations along Broadway, co-mingling with the beautiful new streetscape completed in 2012. The public art initiative was made possible in partnership with representatives from the city of Cape Girardeau Parks and Recreation Department, the Cape Girardeau Area Chamber of Commerce, the Cape Girardeau Convention and Visitors Bureau, Southeast Missouri State University, and the Arts Council of Southeast Missouri. Prior streetscape improvements that helped make public installations along Broadway possible were done in conjunction with the City and Isle Casino Cape Girardeau.

A committee was formed in 2011 to develop the City’s public art policy and propose recommendations for the future. Based on research, the committee submitted a written policy to City Council that was adopted in October 2012. By hosting the sculpture exhibition, the committee hopes to achieve two primary goals: increase the number of arts-related activities within the region and provide an additional revitalization strategy for Cape Girardeau’s downtown. Both the 2014 and 2015 public art installations along Broadway were facilitated by public and private funding (Parks and Recreation, Old Town Cape, and the Cape Girardeau Convention and Visitors Bureau).

“The first Outdoor Sculpture Exhibit was met with a very positive reception by the community,” said Murielle Gaither, executive director of the Arts Council of Southeast Missouri. “So far, we have heard great things from those who enjoy driving by the sculptures every day, as well as those who have come to town specifically to see the exhibit.”

The 2015 Cape Girardeau Outdoor Sculpture Exhibit was judged by the committee. Chris Wubbena, professor of sculpture at Southeast Missouri State University, led the judging of this year’s exhibit. You can view all of the sculptures online at capearts.org/capesculpture.

GREAT AMERICAN MAIN STREET AWARD

In March 2015, Cape Girardeau’s Main Street was awarded the Great American Main Street Award from the National Main Street Center during its national conference held in Atlanta, Georgia. Staff, board members, and volunteers with Cape Girardeau’s downtown organization, Old Town Cape, attended to accept the award.

“Old Town Cape really captured our attention with its creative partnerships and commitment to historic preservation,” says Patrice Frey, president and CEO of the National Main Street Center. “Their collaboration with art organizations, business interests, and the University brings a dynamic mix of resources downtown, while the City’s impressive list of rehabbed historic buildings demonstrates how Cape Girardeau fully embraces
preservation’s power to revitalize.”

With the Main Street Center’s methodology as its guide and strong public and private partnerships, Old Town Cape has helped engineer a popular riverfront market, a creative corridor featuring public art, an interactive children’s museum, and a bustling local shopping scene. The result was 85 net new jobs, downtown reinvestment of more than $6.6 million, and 34 new or relocated businesses in just one year. Thanks to preservation projects, many of which used state and federal historic tax credits, a former high school now offers senior housing; a vacant federal building houses a co-working space and technology incubator; and a seminary serves as the performing arts campus for Southeast Missouri State University. The University also intends to open a student-run creative entrepreneurial incubator and a center for its media programs in historic buildings downtown.

“Downtown Cape Girardeau has seen significant positive change in the past few years,” says Mayor Harry Rediger. “There has been a definite new trend of both commercial and residential development in our downtown area. Old Town Cape has been the catalyst toward this strong momentum and total community support. I am very excited about the future of our downtown.”

Police Department Expands Community Outreach

Providing a strong community presence, the Cape Girardeau Police Department expanded their outreach in the past year with several new and ongoing projects. The department has added Twitter to their social media presence that already included an active Facebook page that is frequented by citizens for information. They recently added an anonymous crime tips phone line, texting option, and mobile application called CapePD Tips. The new anonymous tip system can help start the conversation related to possible criminal activity. This puts powerful crime-fighting tools in the hands of community members of all ages.

“Working with the community, we reduced crime in the city by 11 percent last year,” said Chief Wes Blair. “We’re hoping these new tools will help more people partner with us in keeping Cape safe.”

Other new programs include Coffee with Cops, where officers and citizens meet up at various java stops around Cape Girardeau, and the Neighborhood Roll Call weekly events. Both programs have been increasing in popularity. The second-ever roll call event in the Whitener and Themis streets area, saw a rapid attendance increase to more than 20. “Neighborhood Roll Call is a chance for folks to ask us questions they wouldn’t normally get to ask about what we do and address any concerns they may have,” said Lt. Rodney...
Barker about the program. The idea was brought back to Cape Girardeau for adoption by Chief Blair, who heard about the program in other communities during a conference. The goal is to visit locations around town once weekly, canvassing the entire City. The program continues through summer and fall, weather permitting.

**FIRE DEPARTMENT DOUBLES ADVANCED LIFE SUPPORT CAPABILITIES**

The Cape Girardeau Fire Department recently doubled some of their emergency medical service capabilities, thanks to acquiring additional heart monitors and FEMA Fire Act grant funding that paid for several firefighters to complete paramedic training. Previously, the Department had one or two teams on shift capable of providing advanced life support (ALS) measures. With the additional training and new heart monitors, that statistic increased to four or five front line, advanced life support companies on duty at any given time.

**Greater Cape Girardeau Business Park Update**

Pepsi MidAmerica, the first occupant committed to the new Greater Cape Girardeau Business Park, broke ground on their new location on June 3, 2015. Many city employees, dignitaries, community partners, and others were in attendance.

“We’re pleased to have the largest Pepsi franchise in the nation be the first employer to plant their operations at the Greater Cape Girardeau Business Park,” said Mayor Harry Rediger. “We’re working with several developers right now to find Pepsi some neighbors in the new park.” With the addition of this business park, located at LaSalle Avenue near the Interstate 55 interchange, Cape Girardeau is positioned for further economic success. Road and sewer work have been underway at the new business park location to accommodate the Pepsi site, and other potential developers have been working with economic development staff and partners. The Greater Cape Girardeau Business Park is strategically located to meet the logistics needs of a variety of industries, and is also surrounded by a strong and capable workforce.

The city of Cape Girardeau has benefitted from many fantastic developments in recent months and years. The City is also quickly expanding in the digital sphere, with a new website expected this year and a strong social media presence. Track the City's changes online and plan a visit!

Jessica Sexton is a public information specialist for the city of Cape Girardeau, where she has served for six years. She is an active volunteer with several organizations, including Old Town Cape, Inc., and various local projects.
IN MEMORIAM: CHARLES WILLIAM "BILL" JOHNSON  
FEB. 23, 1945 - JUNE 25, 2015

Charles William "Bill" Johnson, 70, of Lake Ozark, formerly of Jefferson City, passed away June 25, 2015, at his residence surrounded by his family. He served as a lobbyist with the Missouri Municipal League for more than 25 years, passionately representing the interests of all Missouri's cities to the state legislature. He also worked with special emphasis contracts through the League with both Kansas City and Springfield. Johnson retired from MML as the deputy director. During his career, he received the John G. Stutz Service Award from the National League of Cities.

Johnson was born Feb. 23, 1945, in Mexico, Missouri. He received his Bachelor of Arts degree in public administration/political science from the University of Missouri-Columbia in 1967. He began his career as an agent for the Missouri Department of Liquor Control and then served as the Coordinator of Training Programs for the Department of Community Affairs. After retiring from MML, he enrolled in numerous history classes through Columbia College.

Johnson is survived by his wife, Mary Ann, along with five children and 14 grandchildren.

MML FRINGE BENEFITS SURVEY RESULTS AVAILABLE

The Missouri Municipal League has completed an update of the technical bulletin entitled “Fringe Benefits in Missouri Municipalities Technical Bulletin”. This bulletin will keep cities up-to-date on the latest benefits provided to employees. The survey was conducted via an online survey tool and was emailed to each member municipality to collect information on benefits and compensation provided to employees by the municipality.

Data was requested for the following categories:

- General Work Force;
- Types of Leave;
- Insurance;
- Other Types of Benefits;
- Elected Officials;
- Volunteer Fire, Police and Rescue;
- Personnel Policies.

As with all League Technical Bulletins the completed version is available to all League members at no charge. View the results by visiting the League’s website at http://www.mocities.com/?page=MMLPublications. In addition to the summary report, the complete raw data set for all municipalities that responded is available, as well as a break out of municipalities by population, size (less than 2,500; 2,500 to 10,000; and over 10,000) upon request at info@mocities.com or Rhuckstep@mocities.com.

Manual for Newly Elected Officials

The League staff has completed revisions to the League’s technical bulletin "Manual For Newly Elected Officials." The booklet provides an overview of city government in Missouri with emphasis on the duties, powers and roles of elected officials. Copies of the manual are available on the League website and are free to members.

The League wishes to thank attorney Mel Gilbert, assistant city manager Joan Jadali of Webster Groves, and finance director John Adams of Kirkwood for their assistance in reviewing the manual.

Members: Visit www.mocities.com today to download your free copy!
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MML 2015 ELECTED OFFICIALS TRAINING CONFERENCE
Columbia, Missouri
June 11-12, 2015

WEST GATE REGIONAL MEETING
The American Jazz Museum, Kansas City
May 28, 2015
### MML Calendar of Events
#### 2015

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<tr>
<th>July</th>
<th>Event Details</th>
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<tr>
<td>10-12</td>
<td>2015 MAA Summer Seminar, Lake Ozark, Missouri</td>
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<tr>
<td>16</td>
<td>MML West Gate Civic Leadership Awards Banquet, Blue Springs, Missouri</td>
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<tr>
<td>28-30</td>
<td>Missouri Main Street Connection, Get Plugged In ... Downtown!, Kansas City, Missouri</td>
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<th>September</th>
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<tr>
<td>2-4</td>
<td>National Brownfields Training Conference, Chicago, Illinois</td>
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<tr>
<td>7</td>
<td>MML Office Closed, Labor Day Observed</td>
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<tr>
<td>15</td>
<td>Financial Disclosure Ordinance Deadline</td>
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<tr>
<td>16-18</td>
<td>Missouri Public Utility Alliance Conference, Branson, Missouri</td>
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<tr>
<td>20</td>
<td>MML Annual Scholarship Golf Tournament, Kansas City, Missouri</td>
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<tr>
<td>20-23</td>
<td>MML Annual Conference, Kansas City, Missouri</td>
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<tr>
<td>3</td>
<td>Election Day</td>
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<tr>
<td>11</td>
<td>MML Office Closed, Veterans Day Observed</td>
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<tr>
<th>December</th>
<th>Event Details</th>
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<tbody>
<tr>
<td>15</td>
<td>First Day for Candidate Filing</td>
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For more events, visit the events calendar at [www.mocities.com](http://www.mocities.com).

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### Classifieds

#### DIRECTOR OF PUBLIC UTILITIES

The city of Moberly, Missouri, is seeking a public utilities director who works under the supervision of the city manager to manage the City’s water treatment, storm water, utility billing, distribution and collections, water shed, and wastewater treatment. The ideal candidate should have a strong customer service background and be experienced with directing, planning, and supervising public utilities. This individual will administer and manage all activities of the department and maintenance of public infrastructure. Applicants should hold or be able to obtain an A level water/sewer operator license. This position requires a bachelor’s degree and five or more years of relevant experience in public utilities. The annual salary is negotiable, DOQ, plus excellent benefits. Apply by sending resume and application to: City of Moberly, Human Resource, 101 West Reed Street, Moberly, MO 65270 or mv@cityofmoberly.com. Resumes and application will be accepted until the position is filled. EOE.

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### LET THE SUNSHINE IN!

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{ Marcus Junius Brutus, 44 B.C. }

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